

Naples City Council

August 28, 2014

Minutes

The regularly scheduled meeting of the Naples City Council was held August 28, 2014, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Dale Peterson, Cliff Grua, Jeff Merrell, Jacob Whiting, Korbyn Snyder, Szeth Simmons, Bryan McCurdy, Ken Merrell, Sandy Webb, Jim Harper, Connie Patton, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Kenneth Reynolds offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Gordon Kitchen **moved** to approve the agenda. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker presented the minutes of the August 14, 2014 regular City Council meeting for approval. Dan Olsen **moved** to approve the minutes. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything from the previous meeting to follow up on. Councilman Long asked Jim Harper about marking the ditches. Jim said they have marked part of them and they have marked the one that was an issue.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Councilman Kitchen acknowledged Nikki Kay and thanked her for the minutes she has been presenting.

Councilman Hall reported that they Fire District approved another \$50,000 to be used toward the new fire station for equipment.

Connie Patton presented the bills for payment approval. The amount presented was \$45,743.24. Dennis Long **moved** to accept the amount of \$45,743.24. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

APPROVAL OF THE BILLS

Jim Harper requested approval to purchase a flail hammer for the mower. The amount requested was \$664. Jim said he wanted to have one on hand in case one breaks. Dennis Long **moved** to approve the \$664. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

PURCHASE APPROVAL

Jim Harper asked for approval to purchase a rear cutting edge for the loader. Jim presented two bids for the blades and stated the one bid was a blade that would be good for two passes and one that was for three passes. Gordon Kitchen **moved** to approve the bid from Holland Equipment in the amount of \$1,292.22. Robert Hall **seconded** the motion. The motion passed with the following roll call:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Rachelle Palmer submitted a travel request to attend the Fall Prosecutor's Conference in St. George. The amount requested was \$757.98. Dan Olsen **moved** to approve \$757.98 for Rachelle. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
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TRAVEL REQUEST

Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Szeth Simmons asked if the employees could have an end of summer barbeque like last year except they would be doing hamburgers and hot dogs and would like to invite the fire department. Councilman Kitchen asked if the Planning Commission would be invited. Szeth said they invited them last year and would like to include them this year. Szeth said they would like to try for Thursday, September 4, 2014. Councilman Reynolds wanted to know if he needed approval for a certain amount. Szeth stated he thought they were under \$550 last year. Kenneth Reynolds **moved** to approve up to \$700 for the barbeque. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

***REQUEST FOR CITY
EMPLOYEE BBQ***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt presented draw number three for the 1300 East drainage project. Craig said the project is almost complete and the draw submitted, less the retainage, was \$54,495.35. Dan Olsen **moved** to approve the draw of \$54,495.35. Robert Hall **seconded** the motion. The motion passed with the following vote:

***DRAWREQUEST FOR 1300
EAST DRAINAGE***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt stated the correction of the drainage problem on 1900 South 2000 East has been completed and needs payment approval. The amount requested for approval was \$8,820. Craig said it was determined that water had puddled in this area and that is why the asphalt settled. Craig said the contractor re-compacted the area and put in flowable fill and placed concrete around the manhole instead of asphalt. Dan Olsen **moved** to authorize the payment of \$8,820 to Stubbs & Stubbs. Gordon Kitchen **seconded** the motion. The motion passed as follows:

***DRAWREQUEST FOR 1900
SOUTH 2000 EAST
DRAINAGE***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt presented the request to purchase a backup generator for the shop. Craig said the revenue source would be from one of the FEMA grants through the Emergency Operations Department. Craig said the grant would be \$24,000 and the City share would be \$10,000. Craig said the generator would be natural gas or propane and B.H.I. would be doing the installation, Jackson Construction will do the gas line, and there is also a cost for the mechanical hookup. Councilman Long wanted to know if they needed bids for the generator. Craig said he did receive bids for the generator. Councilman Long wanted to know about the labor. Craig said the gas line trenching was the only one he was still waiting on. Dennis Long **moved** to approve the \$34,000 for the generator. Robert Hall **seconded** the motion. The motion passed with a roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***REQUEST TO PURCHASE
BACKUP GENERATOR
FOR SHOP***

Petition to vacate 1750 South for Airport - Craig Blunt told the Council the Planning Commission tabled the request to vacate a portion of 1750 South for the airport as they did not have sufficient information available to them.

***RECOMMENDATIONS
FROM THE PLANNING
COMMISSION***

Application to re-zone for Airport from RA-1 to A - Craig Blunt stated this matter was also tabled by the Planning Commission for lack of sufficient information.

Re-zone application for 1500 S 500 E Property from RA-1 to C - Craig said the request to rezone property located at 1500 South 500 East from RA-1 to C for the Bunkhouse was denied by the Planning Commission. Craig said the consensus was if it was changed to commercial then anything listed in the commercial zone could go there.

Changes to Land Use Ordinance - Craig explained the changes to the Land Use Ordinance and the reason for deleting language dealing with fences in chapter fifteen.

Craig said the Planning Commission agreed that fencing provisions should be in each individual zone rather than in the parking area. Craig said this prompted changes to chapters twenty-six (commercial zones) and twenty-eight (industrial zone) to add language for protection of adjoining properties through proper fencing. Dan Olsen **moved** to adopt Ordinance 14-167 making the stated changes to the Land Use Ordinance. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Homestead Concept Plan - Craig reported the Homestead Concept Plan was reviewed and it was recommended to approve.

Mayor Baker recognized people from the County and the Airport in attendance at the meeting and asked if they needed any time. They told the Mayor they were just in attendance to listen.

Councilman Kitchen asked the Mayor if the Council needed to take action on the recommendation of the Planning Commission regarding the request to re-zone property at 1500 South 500 East. Mayor Baker said they probably should. Gordon Kitchen **moved** to follow the recommendation of the Planning Commission and deny the re-zone request from RA-1 to Commercial for the property at 1500 South 500 East. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Craig Blunt told the Council the Planning Commission recommended approval of the concept plan for the Homestead Subdivision. Councilman Olsen said he has a question about the irrigation line running through the property. Councilman Olsen referred to the second to last page of the plans and said it shows a line with 63 lbs. of pressure. He wanted to know if 63 lbs. is sufficient to protect it where it is going under the road. Craig said they didn't catch that and the pipe should be lined with a heavier gauge to protect it. Craig said they should go with a higher PSI under the road. Councilman Reynolds questioned where they were going to do the run off. Councilman Olsen said he was

told by Cable Murray they would fill in the ditch above the Dukes' place and anything that ran over the cleaning box would flood onto Gary Harrison's pasture. Councilman Reynolds wondered about the water off his pasture. Craig Blunt wanted to know if the water table went up and down during the storms near Councilman Olsen's home. Councilman Olsen said that everything drains to the corner by his house. Craig Blunt brought up the issues they are currently having in Hunter Hollow with the underground storm water collection system. Craig said that should be addressed with the Homestead Subdivision because of the concern of all the water collecting in the northeast corner. Mayor Baker said the preliminary drawing shows the curb and gutter and road will be right to the right-of-way. Mayor Baker thought the Planning Commission might need to look at that more closely. Mayor Baker said the irrigation looks like it will all drain into the underground storm drain. Councilman Olsen said Cable Murray talked about putting in a drain box on the City's easement where the culvert is with a shut off valve and drain it into the culvert but he doesn't see the box on the drawings. Craig asked the Council if they wanted him to have the rating of the pipe under the road upgraded, check on the winter drainage of the irrigation pipes with an emergency shut off valve and if they wanted a perk test completed. Councilman Olsen said all of the drainage going onto 2000 East needs to go somewhere and he doesn't see anything on the drawings for it. Councilman Olsen wanted to know about the utilities and where they would tie in from. Craig said AVW&S was looking for someone else to take care of that and Craig thought it should be taken care of by them because when AVW&S was formed and Naples City gave over their water, it was agreed that the revenue that was collected from the City would go back into the upkeep of the infrastructure. Jim Harper said his understanding was that Questar would run their line down 2250 South. Craig said the lines from Strata would also be bringing data into the subdivision from the highway. Councilman Kitchen said this was being presented as a concept and he wondered if the details could be worked out through the final. Mayor Baker said the sooner the City is involved then things can be worked out. Councilman Kitchen said this is good information but this was presented as approval for the concept and he doesn't have any problem with approving it as such and send it back to the Planning Commission. Gordon Kitchen **moved** to follow the recommendation of the Planning Commission and to approve the concept plan for the Homestead Subdivision. Kenneth Reynolds **seconded** the motion. The

motion passed all voting aye.

Craig Blunt presented the architect agreement with FFKR. Craig said the proposal given from FFKR hasn't changed but the City has made some changes. Craig said the schematic design and design development phase given in preparation for application to the CIB has a total lump sum cost of \$11,250, the construction document phase is 3.75% of the final construction cost, and the construction management phase has a lump sum of \$26,250. Councilman Olsen asked if they need a motion to execute the agreement. Craig stated that was correct. Dan Olsen **moved** to execute the agreement with FFKR. Robert Hall **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt said he held a workshop to learn what was taking place with The Farm Subdivision. He said he learned they need to go back to the Planning Commission because the time frame for getting the third phase approved had lapsed. Craig said the developer will need to go back to the Planning Commission and start that process. He said they came up with a list of items for the Planning Commission to present to the developer outlining his choices. Councilman Olsen asked what time frame they are looking at. Craig said the Planning Commission will hold two meetings in September to try and move things along and the discussion should come back to the Council the last meeting in September.

Jim Harper said they have been very busy the last few days with the water issues in Sunstone, Hunter Hollow, and Ironwood. Council members received several pictures showing where the areas of concern are with the latest rain storms received. Mayor Baker asked Jim what he is trying to tell them with the pictures. Jim said he is trying to tell them they have a couple of problems. Jim said Sunstone Subdivision doesn't drain fast enough with the intensity of the storms and the water builds up. Councilman Kitchen wanted to know if it drains fast enough with a normal storm. Jim said it does. Councilman Kitchen wanted to know if this is the first time it's been an issue. Jim said no, they've had an issue in this area for years. He said he's seen it flood seven

APPROVE ARCHITECT AGREEMENT WITH FFKR

PROPOSAL FOR PHASE III OF THE FARM SUBDIVISION FROM WORKSHOP

DISCUSSION ON STORM WATER ISSUES

times this year. Mayor Baker wanted to know if the grates were cleared so the water could drop into the box and flow into the retention pond. Jim said they couldn't get it to go in the system they have. Jim said one of the neighbors told him the retention area was filled in with some fill dirt instead of all gravel like it was supposed to in order to work like a french drain. Councilman Kitchen asked how long it takes to drain. Jim said anywhere from three to six hours. Councilman Kitchen said that is how long it takes for the drain at his store to drain and he said it is just one of those issues you have, even if it's been engineered, when you have storms like these. Mayor Baker said the issue is, if it can't drain, where will it go. Jim said with the last storm it went over the road into the neighbor's driveway. Jim said they can leave it or fix it, he just needs to know what they want to do. Jim said they would need to clean out the pipe and dig the retention area down deeper. Jim said there is one neighbor there that takes care of this area. Councilman Olsen wanted to know if it was the City's area to maintain. Jim said it is the City's property. Councilman Hall wanted to know what is the City's property. Mayor Baker thought it had a dedicated easement, in order to maintain, and that is why it is the City's. Councilman Long said even Vernal City had issues with the latest storms. Jim felt what he suggested would handle it and would get it off the road faster. He thought if the area was a couple of feet deeper it would help. Jim said part of the problem also came because of Ironwood. He thought if they could take care of Ironwood then it would help with the drainage in Sunstone. Jim said he has been working with Cliff Grua on the issue in Ironwood. Cliff said he'll help maintain the area on the north road until they resolve the issue of who is going to maintain that. He suggested cutting a diversion ditch back to the north on the south side. He said he would pay for the expense of doing that if the Council agreed. Cliff said they've had something engineered for a retention pond for the entire east end of that area which would be surface storage. Mayor Baker said the City wouldn't have any issue with letting him dredge it and build a basin there.

Cliff asked if they could go back to item thirteen and have a short discussion, if possible, because there were people from The Farm Subdivision HOA in attendance at the meeting. Cliff said he would like to receive some direction on which way to go and present changes they would like to make on phase III. Mayor Baker asked Craig is he was ready to address that. Craig said not quite, he was trying to get the wording down so he could give that to the Planning Commission to address.

Councilman Kitchen and Councilman Hall said they would like to give the two representatives from the Subdivision HOA time to speak.

Mayor Baker said they could finish the discussion concerning the drainage and then revisit the matter. Mayor Baker asked Jim if he would be good with what Cliff was proposing to do in Ironwood. Jim stated he was. The next area Jim brought up was Hunter Hollow Subdivision. He said this development has a thirty-foot underground tank with a six-foot pipe. Jim said they have been pumping the tank all week trying to determine what is going on with the water table and they believe there is about 3-4' of water in the ground with the tank. He said they looked at the system in Pheasant Run and it is doing fine. Mayor Baker said he's heard the water puddling up in Hunter Hollow seems to be a regular occurrence with the storms. Jim said he's heard that but hadn't seen it until these recent storms. Councilman Kitchen wondered if they could do a perk test for this area, he said they need to know what they are dealing with before they can make a decision. Mayor Baker asked Jim if they can physically get in the tank to take pictures. Jim said they can. Mayor Baker said maybe the road department should go down into the tank over a period of time and keep track of the dates and see if there is any standing water. Mayor Baker said this might be their most critical issue. Jim said they will start to track it and see if they can gather more information to see what direction to go.

Robert Hall **moved** to go back to item thirteen on the agenda to hear from members of the HOA members from the Farm Subdivision that took the time to come. Dan Olsen **seconded** the motion. The motion passed with all voting aye. Bryan McCurdy introduced himself as the President of the Home Owners Association (HOA) of the Farm Subdivision and also Ken Merrell, Secretary of the HOA. Mr. McCurdy said he wanted to give them an understanding of where the HOA wanted to go based on where they started. Mr. McCurdy said they have put a lot of time and effort into getting everything moving forward. He said their full intention, based on a majority vote of the association, is to clean up the CC&R's and disband the association. Mr. McCurdy said he doesn't know what the Council decided on this topic but they want to see it move forward and comply with what the Council wants. He said they enjoy being in the subdivision and feel like what they have done with the CC&R's add value and

***REVISIT DISCUSSION ON
PHASE III OF THE FARM***

attraction. Councilman Kitchen asked Mr. McCurdy who will enforce the CC&R's. Mr. McCurdy said, based on what they have done with the CC&R's, neighbor would have the ability to take neighbor to court. He said it didn't make sense to the association to be formed and have to accept the responsibility of the \$4,000 per year it would take to guide and guard what was going on the subdivision. He said that wasn't the kind of neighbor they wanted to be and it didn't fit with the culture of the neighborhood. Councilman Kitchen asked if a lawsuit does. Mr. McCurdy said he understood Councilman Kitchen's point. Councilman Kitchen stated that a lawsuit could be a lot more expensive than \$4,000 per year. He said lawsuits do not make good neighbors. Mr. McCurdy stated he understood that and they left that provision in from the original CC&R's that were recorded and it wasn't something that needed to be pulled out. He said if there are going to be CC&R's they need to be enforced but didn't want the association to have to do that. He said it allows a neighbor to pursue action if they are so inclined. Mr. McCurdy said he is not a fan of neighbor suing neighbor but it gives someone the ability, if there is an issue, they can act.

Ken Merrell said they have worked really hard with Ray Nash and his corporation to make this so it fits everyone. He said they have discussed the legal issues, the green space or no green space, and tried to iron out what people's rights are. He feels they have come to a place where they can get it moving forward. Mr. Merrell thought if they can get together with everyone involved with the concept design and show what they are going to stick to the homeowners don't need to be involved, as long as the developer sticks to what is agreed upon. He said they would like to keep things moving forward. Mayor Baker asked Mr. Merrell if the HOA is ready to disband. Mr. Merrell said they want to get the covenants ironed out and a couple of things they are still working on with the developer regarding house sizes and different things.

Mr. McCurdy stated there is no animosity with the homeowners and Nash LLC., he said they have worked very well together. He said the original CC&R's had some items that were unrealistic for a single family development. He said what they have been working on was an agreement on the CC&R's with the developer that the homeowners agree to live by and the developer agrees to do his part in enforcing those. Mr. McCurdy said they are almost there with the agreement. Councilman Reynolds said this all needs to come

back to the Planning Commission and he recommended representatives from the HOA be there. Mr. McCurdy said he likes the subdivision and the community and feels it is a beautiful place to be and they just want to keep it that way.

Mayor Baker said the City will need something from the HOA when they officially disband. Mr. McCurdy said their challenge is that they weren't aware there was an association or CC&R's and if they record the HOA then they have to file with the IRS, get a tax ID number, and carry insurance. Mr. McCurdy said they do intend to take a vote with all the owners and comply with the original agreement that was recorded that has enough votes stating they are disbanding. Mayor Baker said he wasn't sure legally what the City would need. Councilman Kitchen said they would need guidance from the City Attorney to make sure the Council has done everything correctly. Councilman Olsen asked Mr. McCurdy if the HOA was to the point they would recommend supporting phase III of the subdivision. Mr. McCurdy said he would support phase III and they have been working through the details and getting the homeowners together showing them the concepts and they have agreed to phase III. He said there was green space that was originally represented and some dynamics have changed but he believes the homeowners are proponents of phase III.

Ken Merrell said he would qualify that, provided they get a master plan showing where they are headed. He wants to see a new concept plan that makes the changes that are necessary and stick to that plan so the homeowners don't have to get involved in it in the future.

Mr. McCurdy said he has seen a concept plan that deals with some of the green space and they are in agreement that phase III can move ahead, they just want to make sure they know what that is. Councilman Olsen asked Mr. Grua about the water retention issue. Mr. Grua said they have turned two lots into one lot, the north side of where the causeway it going to go across, and the retention area will be there on private land. Councilman Olsen asked if the HOA has looked at it. Mr. McCurdy said they have and it would take liability off the association to maintain the retention pond. He said it also addresses the lot is a purchased lot and it removes the liability from the City. Councilman Kitchen reminded Mr. Grua that decreed water flows through the gulch and residents below have decreed water rights and water can't be changed and it has to flow. Mr. McCurdy said the CC&R's state it is not

the right of the homeowner to change any of the direction of the water and they have no water rights. Councilman Olsen asked about who is going to maintain the roundabout. Mr. McCurdy said they have discussed putting that into a maintenance free area and have discussed different options for it. Mayor Baker said it will need to be determined who maintains it. Mr. McCurdy said they will address that. Councilman Olsen wanted to know if the causeway was part of phase III and does it have to be completed before building permits can be issued. Craig Blunt said they have two methods for C of O's to be issued. He said the road needs to be completed or a bond sufficient enough in case the road doesn't get completed the City could take the bond and finish it. Council members thanked Mr. McCurdy and Mr. Merrell for coming and the information shared.

Craig Blunt gave Council members copies of job descriptions for the City Administrator, City Planner, & Building Official. Mayor Baker said they no longer have a City Planner and Craig has been filing in so they need to get advertisements sent out very soon. Councilman Olsen wanted to know if they require education and experience for five years. Mayor Baker said they can determine that now. Councilman Kitchen felt they needed to concentrate on the City Administrator/City Planner and get that advertised first. Councilman Kitchen noted that other cities have gone the direction of the City Administrator/City Planner and felt it was a good way to go. Dale Peterson said he was a part time employee of the City and he would be willing to accept the responsibilities of the Building Official and stated he does have the experience to do that job. Mayor Baker said he wanted to add a requirement to the job announcement that whoever is selected as the City Administrator would live in Naples City. Councilman Olsen wasn't sure the City could require it. Mayor Baker said they can require it. He said they can give them a certain time frame, like two years, and if they don't reside in the City by that time they could be let go. He felt it was important that the applicant have a vested interest in the City. Councilman Kitchen and Councilman Hall concurred with that. Mayor Baker said Craig might want to clarify the inspections required by the City Administrator had to do with risk management. Council members stated they were comfortable with the job description given them. Dan Olsen **moved** to adopt the employment application given and proceed with advertisement of the position. Mayor Baker wanted to know if they wanted to include that the person resides within the City. Councilman Kitchen said they should

***A P P R O V E J O B
DESCRIPTIONS AND JOB
ANNOUNCEMENTS FOR
CITY ADMINISTRATOR /
C I T Y P L A N N E R /
BUILDING OFFICIAL***

move on the job description first. Mayor Baker stated that Councilman Olsen moved to advertise for the position as part of his motion. Councilman Kitchen wanted to know if the document given them would serve as the job announcement. Councilman Olsen said it was. Councilman Kitchen said he had a question before they move on it. Councilman Kitchen said the document states the position is open until filled. Councilman Kitchen **questioned** the motion and said that should not be part of a job description. Councilman Kitchen said they are trying to do a job description. Councilman Olsen said the essential duties listed become the job description and the qualifications should be separate. Mayor Baker said they could take the job ending off of the description. Councilman Olsen said it seems they are getting a little technical on this. Councilman Long said the announcement given to them by Craig covers everything and could be given out right now. Mayor Baker said the only thing missing was the requirement to reside within Naples City. Councilman Kitchen said if you look at other job descriptions there is a difference between a job description and an advertisement for a job. Councilman Olsen said there should be a job description already in policy for the City. Craig said he combined the two job descriptions and was trying to make it easy and ready to submit for advertisement. Councilman Hall said they need to decide if they are going to include the matter of where the applicant resides. Mayor Baker said he has a motion and it either needs to die for lack of a second, and they can go in and address whether they want to make the person reside within the City. Craig said he could separate it out as a notice and have the applicant refer to the City's website. Councilman Olsen said a person wasn't going to read that much. He said if they were going to do that they need to include it on the job announcement. Dan Olsen **withdrew** his motion. Craig reminded the Council that the City is a smoke and alcohol free environment, as part of policy, and it might need to be included. Councilman Olsen said both of these could be included as a disclaimer in the announcement at the bottom. Mayor Baker said he would be good with that. Ken Reynolds **moved** to go with the application as presented with the disclaimer that the applicant has to permanently reside in the City within two years and it is a drug, smoke, alcohol free environment and to proceed with the advertisement. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Mayor Baker wanted the discussion for the Building Official to be brought to the next meeting.

OTHER MATTERS

Councilman Kitchen wanted to know if there was a meeting scheduled with the Airport and officials from Uintah County. Mayor Baker said he is meeting with Commissioner McKee and Mayor Norton tomorrow at 2:00.

Craig Blunt said he had a request to put in a guest home next to a residential home and the Land Use Ordinance doesn't say if they can or can't. Craig said he doesn't have a problem with issuing the building permit but he is going to bring this issue before the Planning Commission. Craig said there is basically nothing there and he feels it needs to be clarified and he didn't want to go too far without some guidance. Craig handed out what he would like to add to the Ordinance and wanted them to look it over before the next meeting. Council members discussed having a guest home in the different zones. The property owner asking for the guest homes lives in an RA-1 zone and has enough property for this type of home. Councilman Kitchen asked Craig how soon the owner wanted to get started. Craig said they want to start right away. Councilman Kitchen questioned, where the Ordinance is silent, can they go ahead and issue a building permit. Craig said he didn't want to go too far without talking with the Council. Councilman Long said they should be able to build with the rules they currently have. Craig said they could but he would like to incorporate the rules he presented into the Ordinance. Council members wanted to make sure the home didn't turn into a rental property. Councilman Hall said there is not currently anything in the Ordinance that could stop them from authorizing the building permit. Councilman Kitchen said the Ordinance is silent and they could go ahead with it. Councilman Hall said they still should clarify the Ordinance because someone else will come along and want to do the same thing. Mayor Baker asked about the 'care takers' provision they used to have and asked if they could go that direction because it is designed for family. Council members agreed Craig could move forward with issuing the permit and the details for the change to the Land Use Ordinance for guest houses could be work out with the Planning Commission. They discussed the difference between a care takers home, as a conditional use, and the permanence of a guest home with the potential to become a rental unit. Craig said the way to avoid that is to state the conditions that the home can't be rented, leased, sold, or taxed separately. Mayor Baker stated they needed to move on and to have Craig work this out with Planning & Zoning.

Robert Hall **moved** to go into a closed session to discuss the

CLOSED SESSION

lease, purchase, or sale of property. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Ken Reynolds **moved** to come out of the closed session. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Dennis Long **moved** to recommend the Naples Redevelopment Agency purchase the land as stated in the contract, to change the time limit on the completion of the road to twenty-four months and to have the City Attorney review the purchasing document. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call:

PURCHASE OF LAND

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Dennis Long **moved** to adjourn the meeting at 10:05. Kenneth Reynolds **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 11th DAY OF SEPTEMBER 2014

BY: _____

ATTEST: _____